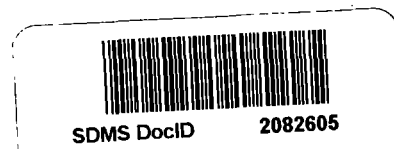




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

ORIGINAL



April 6, 2006

APR 6 2006

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Michael P. Pierce, Esq.  
Pierce and Hughes  
17 Veterans Square  
P.O. Box 604  
Media, PA 19063

**Re: Required Submission of Information  
Lower Darby Creek Area Superfund Site, Clearview Landfill**

Dear Mr. Pierce:

I have received and reviewed your letter, dated March 3, 2006, in which you indicate that your client, Richard Heller, will not respond to EPA's November 17, 2005 Information Request letter unless and until EPA provides information related to Mr. Heller's liability at the Site.

Mr. Heller received a Notice of Potential Liability letter ("Notice letter"), dated June 11, 2002, in which Mr. Heller was notified as his status as a Potentially Responsible Party ("PRP") as an operator of the Site during the time in which hazardous waste was disposed there.

EPA's authority to gather information under 42 U.S.C. § 9604(e)(2)(C), CERCLA § 104(e)(2)(C) exists independently of liability status. That section states, in part, "[EPA] may require any person who has or may have information relevant to any of the following to furnish, upon reasonable notice, information or documents relating to...(C) Information relating to the ability of a person to pay for or perform a cleanup." As such, your client is obliged under the statute to respond to EPA's request. EPA provided the June 11, 2002 letter to your client to advise him of EPA's position regarding Mr. Heller's liability.

Again, Mr. Heller's obligation under CERCLA § 104(e)(2)(C) exists independent of any determination of his liability. Failure to comply with, and respond adequately to, EPA's November 17, 2005 information request may result in EPA's ordering Mr. Heller to comply with the Information Request and/or referral of this case to the Department of Justice and pursuit of penalties under Section 104(e)(5)(B) of CERCLA. The District Court may assess a civil penalty against Mr. Heller not to exceed \$32,500 for each day of his noncompliance.

Please advise your client of his obligation to respond to the November 17, 2005 information request and the consequences for his non-compliance. I look forward to receiving Mr. Heller's response immediately.

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Sincerely,



Carlyn Winter Prisk, Investigator  
Office of Enforcement, Cost Recovery Branch.

cc: Richard Heller  
Bonnie Pugh Winkler (3RC42)  
Kristine Matzko (3HS23)

U.S. Postal Service

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Pierce & Hughes

Street, Apt. No.; or PO Box No.

17 Veterans Square

City, State, ZIP+4

P.O. Box 604

Media, PA 10063

7000 1670 0013 0589 5697

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- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Michael P. Pierce, Esq.  
Pierce and Hughes  
17 Veterans Square  
P.O. Box 604  
Media, PA 10063

## 2. Article Number:

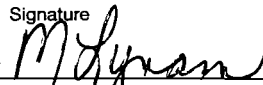
(Transfer from service label)

7000 1670 0013 0589 5697

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X

☐ Agent☐ Addressee

## B. Received by (Printed Name)



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4-11-06

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